

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GENERAL ATOMICS, DIAZYME
LABORATORIES DIVISION, a California
corporation,

Plaintiff,

v.

AXIS-SHIELD ASA, a Norway corporation,

Defendant.

AND ALL RELATED ACTIONS

Case No. 3:05-cv-04074 SI

**AMENDED STIPULATION AND
[PROPOSED] ORDER FOR
PARTIAL STAY OF DISCOVERY**

Judge: The Honorable Susan Illston

IT IS HEREBY STIPULATED by and between the parties to this action through their undersigned counsel that:

All fact and expert discovery shall be stayed other than that discovery relating to General Atomics, Diazyme Laboratories Division and Carolina Liquid Chemistries' ("General Atomics") Second Motion for Summary Judgment of Noninfringement (Court Document #120) ("Motion") until the Court issues its Order on the Motion ("Order");

Within ten (10) Court days of the Court's Order, the parties shall submit a revised proposed case calendar, if necessary;

AMENDED STIPULATION AND [PROPOSED] ORDER FOR PARTIAL STAY DISCOV.
Case No. 3:05-cv-04074 SI

1 General Atomics will present Dr. Borchardt for deposition in San Francisco on November
2 28, 2006, Dr. Xia for deposition in San Francisco on November 29, 2006, and Dr. Yuan for
3 deposition in San Francisco on November 30, 2006, (or on other dates agreed by the parties) on
4 topics relating to the Motion only; all other pending noticed depositions are stayed;

5
6 After the filing of its Opposition to the Motion ("Opposition"), Axis-Shield will cooperate
7 in continuing the Motion hearing date to accommodate discovery requests of General Atomics
8 directed to topics relating to the Motion and Opposition only;

9 All responses to pending interrogatories, requests for admission, requests for the
10 production of documents, Patent Local Rule 3-6(b), and Patent Local Rule 3-8 are stayed, with
11 the exception that Axis-Shield shall produce non-privileged documents responsive to General
12 Atomics' Document Request No. 49¹ no later than two court days after it files testing evidence in
13 support of its Opposition;
14

15 General Atomics will continue to promptly produce to Axis-Shield exemplar enzymatic
16 homocysteine test kits and control kits upon request, payment for which shall be promptly made
17 by Axis-Shield to General Atomics at a rate of \$850.00 (U.S. dollars) per enzymatic
18 homocysteine test kit, plus tax and shipping and the retail price of control kits, plus tax and
19 shipping;
20

21 The deadline for a motion to compel discovery will be determined pursuant to the new
22 case calendar and revised fact discovery cut-off; and
23
24
25

26 ¹ This Request calls for the production of "[a]ll DOCUMENTS related to scientific testing
27 of the ACCUSED PRODUCTS, whether performed by YOU or at YOUR direction, and whether
the results support or refute YOUR claim of infringement by the ACCUSED PRODUCTS."

1 This stipulation does not prejudice Axis-Shield's right to seek a continuance of the
2 January 5, 2007, Motion hearing date, to seek production of documents withheld from production,
3 or to seek more than 7 hours of deposition testimony from Dr. Yuan.
4

5
6 Dated: November 15, 2006

PRESTON GATES & ELLIS LLP

7 By: _____/s/

8 Timothy P. Walker

9 Elaine Y. Chow

Attorneys for Defendant/Cross-Complainant

10 AXIS-SHIELD ASA

11 Dated: November 15, 2006

MORRISON & FOERSTER LLP

12
13 By: _____/s/

14 David C. Doyle

Steven E. Comer

15 Peng Chen

Anders T. Aannestad

16 Jason A. Crotty

Attorneys for Plaintiff

17 GENERAL ATOMICS, DIAZYME

LABORATORIES DIVISION and

18 Counterdefendant-counterplaintiff

CAROLINA LIQUID CHEMISTRIES

19 CORPORATION

20 **[PROPOSED] ORDER**

21
22 IT IS SO ORDERED.

23 Dated: _____

24 

The Honorable Susan Illston
United States District Judge

General Order 45 Attestation

I, Anders T. Aannestad, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Re Briefing Schedule for Summary Judgment Motion. In compliance with General Order 45, X.B., I hereby attest that Timothy P. Walker have concurred in this filing.

/s/ Anders T. Aannestad
Anders T. Aannestad